



## CHAPTER 13.

An Act to amend the Law of Arbitration in Scotland.

A.D. 1894.

[3rd July 1894.]

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. From and after the passing of this Act, an agreement to refer to arbitration shall not be invalid or ineffectual by reason of the reference being to a person not named, or to a person to be named by another person, or to a person merely described as the holder for the time being of any office or appointment.

Reference to  
arbitrator not  
named, &c.  
not to be  
invalid.

2. Should one of the parties to an agreement to refer to a single arbitrator refuse to concur in the nomination of such arbitrator, and should no provision have been made for carrying out the reference in that event, or should such provision have failed, an arbitrator may be appointed by the court, on the application of any party to the agreement, and the arbitrator so appointed shall have the same powers as if he had been duly nominated by all the parties.

On failure  
to concur in  
nomination  
of single  
arbitrator,  
court may  
appoint.

3. Should one of the parties to an agreement to refer to two arbitrators refuse to name an arbitrator, in terms of the agreement, and should no provision have been made for carrying out the reference in that event, or should such provision have failed, an arbitrator may be appointed by the court, on the application of the other party, and the arbitrator so appointed shall have the same powers as if he had been duly nominated by the party so refusing.

On failure  
of one  
party to  
nominate  
arbitrator,  
court may  
appoint.

4. Unless the agreement to refer shall otherwise provide, arbitrators shall have power to name an oversman on whom the reference shall be devolved in the event of their differing in opinion. Should the arbitrators fail to agree in the nomination of an oversman, the court may on the application of any party to the agreement, appoint an oversman. The decision of such oversman, whether he has been named by the arbitrators or appointed by the court, shall be final.

Arbitrators may  
devolve on  
oversman  
unless other-  
wise agreed.

5. This Act shall not apply to any agreement, made before its passing, to refer to an arbitrator not named or to be named by another person or merely described as the holder for the time being of an office or appointment, if any party to such agreement shall, before the passing of this Act, or within six months thereafter, have

Act not to  
apply to  
certain  
agreements.

A.D. 1894.      intimated to the other party by writing that he declines to be  
—                bound by such agreement.

Interpretation.      **6.** For the purposes of this Act the expression “the court” shall  
mean any sheriff having jurisdiction or any Lord Ordinary of the  
Court of Session.

Extent of                **7.** This Act shall apply to Scotland only, and may be cited as  
Act and                the Arbitration (Scotland) Act, 1894.  
short title.

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FOR

T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.